

February 26, 2003: Afghanistan: Back to the Past?

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WASHINGTON - The U.S. Commission on International Religious Freedom, an independent federal agency advising the Administration and Congress, yesterday wrote President Bush, urging him to impress upon Afghan President Hamid Karzai in their February 27 meeting the need to ensure that basic human rights are fully guaranteed in Afghanistan. The Commission is seriously concerned about reports on continued human rights abuses in Afghanistan and indications that Afghanistan is being reconstructed - without significant U.S. opposition - as a state in which an extreme interpretation of Shariah is enforced by the authorities of a government which the United States supports and with which we are closely identified both within Afghanistan and internationally. The Commission has recommended that President Bush appoint a high-ranking official to the American diplomatic mission in Afghanistan with the sole responsibility to promote, coordinate, monitor, and report on implementation of international standards of human rights, including religious freedom, in connection with the reconstruction effort. The text of the letter follows: Dear Mr. President: The U.S. Commission on International Religious Freedom, pursuant to its advisory responsibilities under the International Religious Freedom Act of 1998, respectfully urges you to impress upon President Hamid Karzai of Afghanistan the need to ensure that basic human rights are fully guaranteed in his country. A personal message from you at this time could reverse otherwise disturbing trends undercutting freedom as Afghanistan rebuilds its government and legal system. In your last State of the Union address, you spoke eloquently of our country's commitment to freedom in Afghanistan. Yet the Commission is seriously concerned by reports of continued human rights abuses in Afghanistan and by indications that Afghanistan is being reconstructed - without significant U.S. opposition - as a state in which an extreme interpretation of Shariah is enforced by the authorities of a government which the United States strongly supports and with which we are closely identified both within Afghanistan and internationally. A preliminary draft of Afghanistan's new constitution is expected to be issued for public comment in March, in preparation for the convening of the Constitutional Loya Jirga later this year. This is the crucial time to ensure that basic rights are fully guaranteed. Mindful of these reports, the Commission held a public forum, on January 29 of this year, to raise concerns about negative trends in the current phase of Afghanistan's judicial and constitutional reconstruction and to encourage Afghans and members of the international donor community to ensure that Afghanistan's new institutions, laws, and practices reflect internationally-accepted human rights standards, including those relating to religious freedom. Based on the information presented at the forum as well as other research, the Commission's concerns regarding human rights in Afghanistan continue. These include: Reported efforts to deny equal rights to women and religious minorities in Afghanistan's new constitution, retreating even from the guarantees provided in the 1964 constitution (which declared that "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations before the law."); Misguided judicial activism by Afghanistan's Chief Justice endorsing amputations and other abusive corporal punishments and his public threats of death toward recalcitrant non-Muslims, activism that has not been publicly opposed by the Karzai government; Coercive measures by official agencies, including religious police organizations, that require Afghans to follow specific religious practices or to suffer the consequences of non-conformance; Abuses against women and girls, sometimes with the apparently active support of the police and the courts; The use of charges of blasphemy against reformers, including a female member of the cabinet of the previous Interim Administration who is also one of Afghanistan's leading human rights officials (a charge later dropped under international pressure, but one that effectively barred her from the current Transitional Administration's cabinet); Torture and other maltreatment of prisoners, including reports of incidents resulting in mass death, about which there have as yet been no thorough, credible investigations; Mistreatment of returning refugees and internally displaced persons, including reports of forced repatriation; and The prevention of a Karzai appointee from assuming her post as head of the Red Crescent because an interim appointee, a member of the Northern Alliance, refuses to leave the position. The Commission believes that religious tolerance and respect for human rights are essential both to Afghanistan's security, recovery, and reconstruction and to regional stability. Last June, we recommended that the U.S. government should, among other things, appoint a high-ranking official to the American diplomatic mission in Afghanistan with the sole responsibility to promote, coordinate, monitor, and report on the implementation of international standards of human rights, including religious freedom, in connection with the ongoing reconstruction effort. The United States has already made a tremendous investment in Afghanistan. A renewed and enhanced commitment by the U.S. government to promoting respect for human rights and religious tolerance in the process of Afghanistan's reconstruction would strengthen the moderate, reformist elements of which President Karzai is a leading member. The Commission therefore urges you to use the occasion of President Karzai's visit to lend the weight of your office once again to make clear how vital freedom is to the reconstruction of Afghanistan and that President Karzai must take stronger measures to guarantee human rights protections for all Afghans. Thank you, Mr. President, for considering the Commission's views. Respectfully, Felice Gaer Chair

Felice D. Gaer, Chair

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